THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.13632 OF 1997

DATED: 10-04-2007

Between:

S. Venkatramanaiah

.. Petitioner

and

The Chairman, Rayalaseema Grameena Bank, Kadapa District and another

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.13632 OF 1997

ORDER:

This writ petition is filed seeking a certiorari to call for the records relating to the proceedings of the 1st respondent dated, 09.01.1996, which were confirmed by the 2nd respondent on 21.06.1996, and quash the same as arbitrary and illegal.

It appears, disciplinary proceedings were initiated against the petitioner for certain irregularities committed by him as Branch Manager of the Rayalaseema Grameena Bank, Pullalacheruvu Branch of Prakasam District during the year 1995. A charge sheet was issued and a detailed enquiry was conducted. Thereafter, the Enquiry Officer submitted his report, on the basis of which, the disciplinary authority imposed a punishment of stoppage of two increments with cumulative effect, vide order dated 09.01.1996. Aggrieved by the same, the petitioner carried the matter in appeal, but the same was dismissed by the appellate authority, vide order dated 21.06.1996. Aggrieved by the same, the present writ petition is filed.

The learned counsel for the petitioner strenuously contended that the enquiry was not properly conducted and in the charge sheet issued against the petitioner, list of witnesses to be examined and particulars of the documents on the basis of which the charges were framed were not mentioned. Therefore, the petitioner had no opportunity to know as to on the basis of which documents, the charges were framed against him. The statements of the persons recorded behind the back of the

petitioner were used to hold the petitioner guilty of the charges. The said statements were not produced in the enquiry and the witnesses were not subjected to cross-examination by the petitioner. Therefore, the petitioner has been denied reasonable opportunity for defending his case and the enquiry is vitiated. In fact, the irregularities were not proved as was found by the Enquiry Officer. The Enquiry Officer did not record a finding as per the evidence on record. The disciplinary authority simply relied upon the Enquiry Officer's report and imposed the punishment of stoppage of two increments with cumulative effect on the petitioner, which is unjust and unreasonable.

On the other hand, the learned counsel for the respondents supported the order passed by the disciplinary authority, as confirmed by the appellate authority, and strenuously contended that no grounds are made out calling for interference of this Court under Article 226 of the Constitution of India.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned orders and other material available on record.

The impugned orders do not show that any injustice has been caused to the petitioner. The petitioner, except saying that he was not allowed to look into certain documents and the documents were not furnished to him, did not give any details as to what are those documents and the witnesses, who were not subjected to cross-examination by him. Further, no other illegality has been brought to the notice of this Court calling for interference under Article 226 of the Constitution of India and the findings recorded by the disciplinary authority, as confirmed by the appellate authority, are cannot be said to be either contrary to the evidence on record or perverse. Further, the

punishment imposed on the petitioner for the charges levelled against him also cannot be said to be either disproportionate or incommensurate with the misconduct proved against him. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

C.V. RAMULU, J

10th April, 2007.
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